

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RODNEY GONEY, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	<u>ORDER DENYING MOTION</u>
	:	<u>TO STRIKE</u>
v.	:	
	:	20 Civ. 5387 (AKH)
SUTTONPARK CAPITAL LLC, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	
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ALVIN K. HELLERSTEIN, U.S.D.J.:

On January 19, 2021, I dismissed the complaint, and judgment was entered. *See* ECF Nos. 45, 46. On January 29, 2021, Plaintiffs filed a notice of appeal. *See* ECF No. 48. Defendants now ask me, by impermissible letter motion, to strike allegations of the complaint that were insufficiently supported in the first instance. *See* ECF No. 49. Defendants anticipate that Plaintiffs' brief to the Court of Appeals will contain scandalous matters.

The judgment of dismissal in favor of Defendants, and Plaintiffs' appeal divests me of jurisdiction. Furthermore, a district judge cannot dictate what may, or may not, appear in a brief to the Court of Appeals. Defendants' letter motion to strike is therefore denied. The Clerk of Court shall terminate the open motions (ECF Nos. 49, 50, 52).

SO ORDERED.

Dated: March 31, 2021
New York, New York

/s/ Alvin K. Hellerstein
ALVIN K. HELLERSTEIN
United States District Judge